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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT

(Shasta)

THE PEOPLE,

Plaintiff and Respondent,

v.

WILLIAM SCOTT HOPPER,

Defendant and Appellant.

C079933

(Super. Ct. No. 14F992)

Appointed counsel for defendant William Scott Hopper asked this court to review the record and determine whether there are any arguable issues on appeal. (*People v. Wende* (1979) 25 Cal.3d 436 (*Wende*)). Based on our review of the record, we will modify the judgment to increase the amounts of the mandatory court operations assessment and mandatory criminal conviction assessment. Finding no arguable error that would result in a disposition more favorable to defendant, we will affirm the judgment as modified.

I

Officer Amy Cregger was responding to an injury accident with her lights and sirens activated when defendant failed to yield for nearly 500 feet. As Officer Cregger

attempted to pass defendant on the left, he made a left turn directly in front of her. She pulled him over.

Defendant said he was aware of Officer Cregger but thought she was pulling him over, and because he was close to his house he thought he would continue home. Officer Cregger smelled alcohol coming from the car. Defendant's eyes were red and watery, and his speech slow and slurred. Defendant failed a field sobriety test and the breathalyzer samples showed his blood-alcohol concentration to be 0.14 percent and 0.13 percent, respectively. Officer Cregger arrested defendant.

The People charged defendant with driving under the influence within 10 years of a prior felony (Veh. Code, §§ 23152, subd. (a) & 23550.5), driving with a 0.08 blood-alcohol concentration within 10 years of a prior felony (Veh. Code, §§ 23152, subd. (b) & 23550.5), and driving with a suspended license with a prior conviction for driving under the influence (Veh. Code, § 14601.2). The People further alleged defendant served two prior prison terms. (Pen. Code, § 667.5, subd. (b).)

Defendant pleaded no contest to all the charges and admitted the enhancement allegations. The trial court sentenced him to an aggregate term of four years in state prison, awarded four days of presentence credit and ordered him to pay various fines and fees, including a \$40 court operations assessment and a \$30 criminal conviction assessment. The trial court denied defendant's request for a certificate of probable cause.

II

Appointed counsel filed an opening brief setting forth the facts of the case and asking this court to review the record and determine whether there are any arguable issues on appeal. (*Wende, supra*, 25 Cal.3d 436.) Defendant was advised by counsel of the right to file a supplemental brief within 30 days of the date of filing the opening brief. More than 30 days elapsed and we received no communication from defendant.

Our review of the record discloses that the trial court imposed a mandatory \$40 court operations assessment (Pen. Code, § 1465.8) and a mandatory \$30 criminal

